## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:   10/598,556          Group Art Unit:   2421

Filing Date:       September 5, 2006   Examiner:         Gigi L. Dubasky

Appellant:         Thomas Zeng et al.

Title:             SYSTEM AND METHOD FOR RETRIEVING DIGITAL
                   MULTIMEDIA CONTENT FROM A NETWORK NODE

Attorney Docket:   129250-002283/US

---

### Remarks in Support of Pre-Appeal Brief Conference

U.S. Patent and Trademark Office                    **April 4, 2011**
Randolph Building
401 Dulany Street
Alexandria, VA  22314

**Dear Sir/Madam:**

The following remarks are submitted in conjunction with the filing of a Pre-Appeal Brief Request For Review ("Request") and Notice of Appeal. No amendments are filed herein or in conjunction with the Request. On February 9, 2011 a Final Office Action was mailed finally rejecting claims 1, 4-9, 12-17 and 20-24 under 35 U.S.C. §103(a) and separately rejecting claims 25-27 under 35 U.S.C. §103(a). No claims were allowed. Claims 1, 9 and 17 are independent claims. The Appellants submit that there are clear errors in the Final Rejection of the claims and, therefore, request withdrawal of the rejections and allowance of claims 1, 4-9, 12-17 and 20-27.

### REMARKS

**A.    The Section 103 Rejections of Claims 1, 4-9, 12-17 and 20-24**

Claims 1, 4-9, 12-17 and 20-24 were rejected under 35 U.S.C. §103(a) based on the combination of Deshpande, U.S. Patent App. Pub. No. 2005/0071881 ("Deshpande"), an article by Schulzrinne et al ("Schulzrinne"),

U.S. Patent App. Pub. No. 2003/0018615 to Chaudhuri et al. ("Chaudhuri") and U.S. Patent No. 6,741,996 to Brenchner et al ("Brenchner"). Appellants respectfully disagree. Because claims 1, 9 and 17 are independent, it is to these claims that Appellants now turn, it being understood that the remarks which follow apply to dependent claims 4-8, 12-16 and 20-24. Claims 1, 9 and 17 each include the features of (1) receiving a Real-Time Streaming Protocol (RTSP)-compliant PLAYLIST_PLAY navigation message, that includes at least one (n+1) tuple, multidimensional pointer, where (2) said multidimensional pointer is associated with a media clip in a depository of digital multimedia content that is organized into a nested hierarchical arrangement having a plurality of levels that correspond to respective media identifier dimensions of said RTSP multidimensional pointer.

### (a) the navigation message feature

In the Office Action the Examiner appears to take the position that Deshpande's RTSP PLAY request message that includes a "Normal Play Time" (*npt)* value is the same as, or suggestive of, the claimed navigation message (pages 2-4 of Final Office Action). Appellants disagree. In Deshpande an *npt* value is equal to "St1-Et1" where St1 and Et1 are "timecode values" that "represent beginning and ending timecode values" for a video segment (*see* Deshpande paragraphs [104] through [0108]). Thus, in Deshpande, each RTSP PLAY request message appears to contain an *npt* value that indicates an amount of video (i.e., segment) that is to be played back. Further, Deshpande appears to disclose that after receipt of a message containing an *npt* value, and after an amount of video is buffered, video playback of the segment represented by the *npt* value is started. According to Deshpande, this process is repeated for each subsequent video segment. In sum, Deshpande's messages that include an *npt* value indicate an amount of video that is to be played back, not a navigational message. Further, it is inconsistent with the specification to interpret the claimed navigation messages as including Deshpande's "amount of video" message. For example, according to the instant specification the

claimed navigational message is used for *skipping* to a new clip or *switching* to a new playlist (see page 14, lines 16-17). At no time, however, does Deshpande describe the use of its *npt* values as being navigation messages for *skipping* to a new clip or *switching* to a new playlist. In sum, one of ordinary skill in the art would not interpret Deshpande's *npt* time values as being the same as, or suggestive of, the claimed navigation message.

### (b) the (n+1) tuple, multi-dimensional pointer feature

In the Office Action the Examiner appears to acknowledge that the combination of Deshpande and Schulzrinne fails to disclose or suggest the claimed "(n+1) tuple, multidimensional pointer" (page 8 of the Final Office Action). To make up for these deficiencies the Examiner appears to rely upon Chaudhuri. The Examiner argues that because Chaudhuri "discloses an (n+1)-tuple structure for data stored in [a] database" such a structure "means Chaudhuri [also] discloses implementing data in the Tuple structure". Appellants disagree. To begin with the claims are not directed at a data structure or a means for implementing data. Instead, the claims are directed at the retrieval of digital multimedia content using a received RTSP-compliant, PLAYLIST_PLAY navigation message that includes, among other features, an "(n+1) tuple, multidimensional pointer". Thus, absent the disclosure of such a retrieval process (or related system) the fact that Chaudhuri may disclose a data structure or means for implementing data is irrelevant. Further, the Appellants do not know what the Examiner means by the phrase "means for implementing data"; clarification is requested. Yet further, the Appellants note that in the specification the claimed "multi-dimensional pointer" is described as, for example, "a 3-tuple pointer parameter" (see p.14, ll. 20-21). In contrast, Chaudhuri's "n-tuple" samples appear to be unrelated to a 3-tuple *pointer* of any kind whatsoever, much less the claimed pointer. In sum, one of ordinary skill in the art would not interpret Chaudhuri's data structure or means for implementing data as being the same as, or suggestive of, the claimed (n+1)tuple, multi-dimensional pointer.

## (c) the nested hierarchical arrangement feature

In the Office Action the Examiner appears to acknowledge that the combination of Deshpande, Schulzrinne and Chaudhuri fails to disclose or suggest a "depository of digital multimedia content [that] is organized into a nested hierarchical arrangement having a plurality of levels ". To make up for these deficiencies the Examiner appears to rely upon Brenchner. Initially, the Appellants note that the claims are directed at something other than that considered by the Examiner. The claims read: "depository of digital multimedia content [that] is organized into a nested hierarchical arrangement having a plurality of levels *that correspond to respective media identifier dimensions of said RTSP multidimensional pointer*" (italics added); the Examiner ignores the features in italics. This is impermissible. Nor is it permissible for the Examiner to parse the claim such that the meaning of the claimed feature is ignored or rendered meaningless. To the extent that the Examiner has done so by relying on Deshpande for the words in italics above (see page 6, lines) this is impermissible. Further, even if Deshpande's *npt* time value can be somehow interpreted as the claimed navigational message, such a value is not related to a "depository of digital multimedia content [that] is organized into a nested hierarchical arrangement having a plurality of levels". Turning to Brenchner, it appears to describe a generalized "collection heirarchy" made up of "content folders" that appear to relate to media clips. At no time, however, does Brenchner describe the collection hierarchy or content folders as including *a plurality of levels that correspond to respective media identifier dimensions of an RTSP multidimensional pointer.* Though Examiners may interpret claims broadly, any such interpretation must be consistent with the specification. Interpreting Brenchner's collection hierarchy as being akin to the claimed "depository of digital multimedia content", is inconsistent with the present specification, and, therefore, impermissible. An example of the claimed nested hierarchical arrangement is shown in Fig. 6B of the present application. Such

an arrangement is not disclosed or suggested by Brenchner's collection hierarchy (or by Deshpande).

## B. The Section 103 Rejections of Claims 25-27

Claims 25-27 were rejected under 35 U.S.C. §103(a) based on the combination of Deshpande, Schulzrinne, Chaudhuri, Brenchner and newly cited U.S. Patent Application Publication No. 2005/0128508 to Greeff et al ("Greeff"). Appellants respectfully disagree for at least the following reasons. Because each of dependent claims 25-27 depends on either independent claim 1, 9 and 17 and because Greeff does not make up for the deficiencies in Deshpande, Schulzrinne, Chaudhuri and Brenchner the Appellants submit that claims 25-27 are patentable over the combination of Deshpande, Schulzrinne, Chaudhuri, Brenchner and Greeff for the reasons set forth above regarding claims 1, 9 and 17.

**Conclusion:**

Accordingly, the Appellants respectfully request that the review panel reverse the decision of the Examiner, withdraw the rejections and allow claims 1, 4-9, 12-17 and 20-27. Should there be any outstanding matters that need to be resolved the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below. **If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, appeal fees or extension of time fees.**

Respectfully submitted,

**CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.**

By: /John E. Curtin/
John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330